

REMARKS

I. Status of Claims

Prior to entry of this paper, **Claims 1-30** were pending. Claims 1-30 were rejected. In this paper, Claims 1, 12, 21, and 30 are amended; no claims are cancelled; and no claims are added. Claims 1-30 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicant's representative respectfully submits that each of the presently pending claims is in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz et al., US Patent Application No. 2003/0236847 (hereinafter Benowitz), in view of Wilson, US Patent Application No. 2004/0015554 (hereinafter Wilson).

With this paper, Claims 1, 12, 21, and 30 have been amended. These claims have been amended to clarify the relative stage at which message communication is controlled in response to a determined condition or the state of a provided challenge. Support for such an amendment can be found throughout the specification as originally filed, and particularly on lines 13-25 of page 3, lines 18-25 of page 6, and lines 1-3 and 15-18 of page 10, as well as in Figures 5A and 5B.

Claim 1, for example, has particularly been amended to further recite, "*wherein the client's outbound message usage includes a message composed by the client before the providing of the visual challenge to the client, and wherein disabling the client's outbound message usage occurs prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message associated with the client*".

After carefully and thoroughly reviewing the prior art cited in the most recent Office Action, it is respectfully submitted that Benowitz, Wilson, and Burrows do not teach or suggest such a limitation, including through various proposed combinations of teachings respectively recited therein. On the whole, it respectfully submitted that the teachings of these three references pertain to preventing email users from receiving inbound unsolicited or unauthorized email on the recipient-side of an email transmission scheme. In contrast, the claimed invention

of at least Claim 1 pertains to preventing the abuse of a messaging system employed to originate outbound spam email on the sender-side of a message transmission arrangement.

For example, and in manner that is distinct from the claimed invention as further presented in at least Claim 1, Benowitz enables a user to “set limits on the amount of email received” (emphasis added)(para. [0108]). As noted in a previous response, Benowitz clearly discloses that the “receipt” of email is not the same as a process to “send” or “transmit” email (para. [0063]) . Paragraph [0092] of Benowitz particularly discusses communication being transmitted at least twice (between the email system of the sender and the sender’s server as well as between the sender’s server and the receiver’s server) before reaching an authorization system. The system of Benowitz does not inhibit or otherwise interfere with either of these stages of transmission or sending, even if the final receipt of the email is limited. In fact, methods of operation shown in Benowitz (Figure 1A, Figure 5, Figure 6, Figure 7, and Figure 9, for example) explicitly involve such an initial transmission (14 or 152 or 206 or 304 or 408, for example) of a message before a message is handled (para. [0063], [0087], [0092],[0102]).

Such responsive handling of email “[u]pon receipt of the communication” (para. [0063]) in Benowitz does not teach or suggest “*disabling the client’s outbound message usage occurs prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message associated with the client*” as is further claimed in amended Claim 1. To reiterate, the teaching of a “communication is then transmitted 304 to the mail server of the sender, across the Internet and to the receiver’s email server” (para. 0092]) of Benowitz, does not teach or suggest “*prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message*” as is further claimed in at least Claim 1, including when the same claimed “*composed message*” is “*composed by the client before the providing of the visual challenge to the client*” as is further presented therein. The teaching in Benowitz of “the sender could obtain 332 a valid authorization code by using a non-system communication such as a telephone call” (para. [0095]) also does not teach or suggest limitations of Claim 1 pertaining to a “*composed message*”, much less a common “*composed message*” that is “*composed by the client before the providing of the visual challenge to the client*” and related to “*disabling the client’s outbound message usage occurs prior to sending the composed message for the client*” as further presented

in at least Claim 1. Accordingly, it is respectfully submitted that Benowitz does not teach or suggest the claimed invention of at least Claim 1.

It is respectfully submitted that this deficiency is not cured by the teachings of Wilson. In fact, the system of Wilson also operates “[w]hen an email message arrives at the recipient’s system” (para. [0053]). As shown in Figure 2, the system of Wilson involves the initial receipt of an unsolicited message from a sender. In response to previous remarks regarding Claim 1, section 4 of the Final Office Action of March 21, 2007 cited the response email from a challenged sender as teaching the “*prior to sending*” limitation of the previous version of Claim 1; However, with this paper, Claim 1 has been amended to clarify that the message involved with the “*prior to sending*” limitations of Claim 1 is a message associated with the initial provision of the visual challenge to client, not a second message in response to, or in addition to, a first message that has already been sent and has caused the return of a challenge message. To reiterate, neither the message “just sent” nor the “reply” referenced in Figure 6 of Wilson teach or suggest “*a composed message*” which is composed before the provision of a visual challenge, and which is unsent, based on this same visual challenge, when the client’s outbound message usage is disabled, as further claimed in at least Claim 1. Accordingly, in light of this clarification, it is respectfully submitted that the system of Wilson is also a reactive system that involves multiple messages being sent to a recipient’s system (para. [0053],[0057] of Wilson), which fails to teach or suggest “*a message composed by the client before the providing of the visual challenge to the client*” and “*disabling the client’s outbound message usage occurs prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message associated with the client*” as is further claimed in amended Claim 1.

Again, the fact that a message is received in at least one stage of each of the email communication arrangements of Benowitz and Wilson is indicative of the fact that the disclosed systems at least do not teach or suggest both “*a message composed by the client before the providing of the visual challenge to the client*” and “*disabling the client’s outbound message usage occurs prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message associated with the client*” as has been included in the amended limitations of Claim 1. For at least this reason, it is

respectfully submitted that Claim 1, as amended is allowable over the prior art of record. Withdrawal of the previous rejection under 35 U.S.C. §103 is respectfully requested.

Independent **Claims 12, 21, and 30**, have been amended with a similar, albeit different, limitations. For at least the same reasons listed above, the subject matter of these claims is respectfully submitted to be allowable over the prior art of record. Withdrawal of the previous rejections under 35 U.S.C. §103 is also respectfully requested.

So far as dependent claims **2-3, 5-11, 13-20, and 22-29** depend from the above noted independent claims, it is respectfully submitted that these claims also incorporate the amended limitations and are not taught or suggested by the prior art of record for at least the same reasons listed above. Accordingly, withdrawal of the previous rejections under 35 U.S.C. §103 is also respectfully requested.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz, in view of Wilson, and further in view of Burrows et al., US Patent No. 7,149,801 (hereinafter Burrows).

However, so far as dependent **Claim 4** depends from Claim 1 further noted above, it is respectfully submitted that this claim incorporates the amended limitations of Claim 1 and is not taught or suggested by the prior art of record for at least the same reasons listed above.

It is further respectfully submitted that Burrows fails to cure the above noted deficiency. Like other prior art discussed herein, Burrows also first requires the initial receiving (and hence outbound sending from an email client) of an email message “not from a white listed sender and without a stamp” (col. 25, lines 1-4). Similar to the operations of Benowitz and Wilson, the teachings of Burrows occur “if a message arrives” (col. 25, lines 47-51). As such, the system of Burrows is also a reactive system that fails to teach or suggest “*disabling the client's outbound message usage until the visual challenge is resolved, wherein the client's outbound message usage includes a message composed by the client before the providing of the visual challenge to the client, and wherein disabling the client's outbound message usage occurs prior to sending the composed message for the client over a network from a messaging system employed to originate each outbound message associated with the client*” as is further claimed in amended Claim 1.

Accordingly, withdrawal of the previous rejection of Claim 4 in view of these references under 35 U.S.C. §103 is also respectfully requested.

CONCLUSION

In view of the above amendment, applicant's representative believes the pending application is in condition for allowance.

Dated: May 16, 2008

Respectfully submitted,

By_ /John W. Branch _____
John W. Branch
Registration No.: 41,633
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(206) 262-8906
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant